

# The micro-politics of norm contestation between the OSCE and Kazakhstan: square pegs in round holes

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Norm contestation by local actors has emerged in recent years as an explanation for the failure of norm diffusion. This article contributes to the literature on norm contestation by analysing how norms diffused by the Organisation for Security and Cooperation in Europe (OSCE) pertaining to election observation and free and fair voting are re-constituted and contested by domestic actors in Kazakhstan. The study contributes to the idea of ‘constitutive localisation’ by emphasising a more fundamental level of disagreement beyond just congruence between the diffused norm and local beliefs; by demonstrating contestation can occur at a later stage in the norm diffusion cycle; by focusing on the micro-politics of contestation by local actors involved in the implementation of diffused norms and; by revealing how norm contestation is not necessarily a process of emancipatory politics, but a strategic act to serve authoritarian consolidation. Utilising a four-fold framework, the analysis illustrates how norms, while initially accepted by Kazakhstani authorities, are reconstituted through political discourse and/or practice creating the *moment of contestation*. While this contestation is instrumentalised by political elites for their own advantage, it also remains an important element of agency within a normative order in which they had little previous control over.

**Key Words:** OSCE, Kazakhstan, Norm Contestation, Election Observation, Norm Diffusion, Constitutive Localisation

‘Constitutive localisation’, the process by which externally diffused policy norms are re-interpreted and re-constituted through local practices and beliefs, has emerged in recent years as an explanation for the limits of norm diffusion.<sup>1</sup> Importantly, such accounts have shifted the debate away from a universal and linear understanding of norm diffusion to one centred on norm contestation and the role of local agency in shaping normative orders. In this literature, the contestation of norms by local actors is framed as an emancipatory act that allows scholars to better understand local voices, which in themselves challenge the global liberal order. This article contributes to the literature on norm contestation by analysing how norms diffused by the Organisation for Security and Cooperation in Europe (OSCE)

pertaining to elections and democracy are locally constituted and contested by domestic actors in Kazakhstan.

The OSCE through its Office for Democratic Institutions and Human Rights (ODHIR) has been committed to promoting democracy and human rights in Kazakhstan since the collapse of the USSR and it has done this largely through election observation, among other activities. Despite the OSCE/ODHIR observing numerous elections in Kazakhstan since 1994, the political system has, according to Freedom House and Polity data scores, become less rather than more democratic.<sup>2</sup> Kazakhstan has developed a form of post-Soviet authoritarianism centred on the personalistic leadership of its first and only president, Nursultan Nazarbayev. Despite regular elections, a formal division of powers and ostensibly the rule of law, parliament is subservient to the president, political opposition is restricted, the judiciary is acquiescent to the executive, civil society is weak and problems persist with regards to human rights violations. The political system corresponds to a form of neopatrimonialism whereby Nazarbayev arbitrates the political and economic interests of competing informal elite networks.<sup>3</sup> This illustrates the limits of the OSCE's capacity to shape the normative behaviour of Kazakhstani authorities relating to the principle of fair elections.

This article argues that limitations for norm diffusion in this case are rooted in the micro-politics<sup>4</sup> of norm contestation between the OSCE and Kazakhstani political elites and how they re-interpret and re-constitute OSCE/ODHIR norms through local discourse and practice. While the study builds on the work of existing norm contestation scholars, most notably Amitav Acharya, the argument departs from this literature in four ways: 1) by emphasising a more fundamental level of disagreement between the OSCE and local actors; 2) by

demonstrating that contestation can occur at a much later stage in the norm diffusion cycle; 3) by focusing on the micro-politics of contestation by local actors involved in the implementation and interpretation of diffused norms and; 4) by illustrating norm contestation is not just a process of emancipatory politics, but can also be strategic and instrumental act by the recipient to serve the interest of authoritarian reproduction.

Using the principles of election observation and the practice of free and fair voting as examples of norm diffusion, the article introduces a four-stage analytical framework to conceptualise the micro-politics of norm contestation between the OSCE and Kazakhstan. Firstly, norms are diffused by the OSCE and then secondly accepted by the Kazakhstani government and enshrined in law. In the third stage norms are reconstituted through political discourse (the norm of election observation) and/or political practice (free and fair voting) to meet the perceived particularities of the local context. This creates the final stage - the *moment of contestation* - where a disconnection between the diffused norm and its practice emerges.

To provide an account of the micro-politics of norm contestation in Kazakhstan the study adopts an interpretive and qualitative research method using in-depth semi-structured interviews with local officials and representatives involved in Kazakhstan's electoral process, along-side an analysis of OSCE/ODHIR reports, Kazakh legislation and media reports.<sup>5</sup> The article is divided into three sections. The first offers a theoretical discussion on norm contestation and the limitations of norm diffusion. The second lays out the four-stage analytical framework for studying the micro-politics of norm contestation. The third section analyses external election observation and free and fair voting as illustrations of OSCE diffused norms and applies the four-stage framework to these two examples.

## **Understanding norm contestation and the limits of norm diffusion**

Norms<sup>6</sup> in the international context are inherently prescriptive as they are defined by a set of standards where behaviour can be judged as ‘appropriate’ or ‘proper’. Such normative standards are agreed by a wider social community and divergence from the norm ‘generates disapproval or stigma, while norm conforming behaviour...produces praise’.<sup>7</sup> The diffusion of norms is best defined as ‘the transfer or transmission of objects, processes, ideas and information from one population or region to another’.<sup>8</sup> Norm diffusion has become an important function of major international organisations in recent decades.<sup>9</sup> Conventional explanations for why norm diffusion fails can be broadly posited within two perspectives. There are those who adopt a rationalist approach which suggests external norm diffusion fails if organisations omit to establish substantial incentives for norm conformity or costs for norm deviation.<sup>10</sup> Alternatively, others argue a favourable domestic context, politically and culturally, is essential for successful norm socialisation.<sup>11</sup> In these two approaches the contestation of norms appears in the early stages of the norm diffusion life cycle where a discussion takes place in which the norm entrepreneur seeks compliance from the norm recipient to a normative framework whom in turn may seek to resist or re-interpret the normative order.<sup>12</sup> As Deitelhoff and Zimmermann note, this literature makes the assumption that once the norm is established the element of conflict vanishes and local actors internalise norms in a rather uncomplicated manner.<sup>13</sup>

The process of contestation does not terminate with adoption of a norm. Norm diffusion is a dynamic process whereby norms are neither universally adopted or understood<sup>14</sup> and through discursive and social practice the internalisation of norms remains a contested process.<sup>15</sup> Limitations to norm diffusion, therefore, can arise in situations where the meanings given to

norms by domestic actors conflict with the intentions of the external normative agent. This has been most acutely observed in the ‘constitutive localisation’ research,<sup>16</sup> especially the work of Amitav Acharya<sup>17</sup> which goes beyond the one-way linear model of norm diffusion. In his development of his idea of ‘constitutive localisation’, Acharya explains how local actors re-interpret and build congruence between global norms and local beliefs and practices.<sup>18</sup> Acharya developed these ideas through an analysis of a two-stage localisation process in relation to Asian regionalism (in the 1950s and 1990s),<sup>19</sup> but the assumption of norms entrepreneurs that norms are universal and can be consumed ‘whole’ by norm takers remains prevalent in the contemporary global context.<sup>20</sup>

‘Constitutive localisation’ has the advantage of illustrating how diffused norms do not arrive in a local vacuum, that local norms matter and that norm diffusion is a dynamic process which amplifies local norms on the global stage.<sup>21</sup> Norm diffusion, therefore, is a bottom up process marked by contestation, feedback and ‘norm subsidiarity’, a process by which local actors seek to establish new rules with the aim of preserving their autonomy.<sup>22</sup>

This ‘local turn’ in understanding the process of norm diffusion has been followed up by other scholars in different areas of IR. Aside from Acharya’s work, Wolff and Zimmerman highlight three other perspectives on norm diffusion which emphasise norm contestation.<sup>23</sup> This includes, the so-called ‘local-turn’ in peace and conflict studies which stresses the need for local ownership and local consultation in peace-building efforts;<sup>24</sup> a critical turn in democracy promotion studies which suggests democracy promoters failure to recognise alternative conceptions of democracy and the emancipatory limitations of liberal democracy<sup>25</sup> partially explains the ‘backlash’ against democracy promotion;<sup>26</sup> and work which has focused on the contestation of norms via discourse and practice.<sup>27</sup> In highlighting this literature on

norm contestation, Wolff and Zimmermann bring to our attention how recent scholarship has sought to challenge universalist and totalising efforts of international actors from the Global North in the practice of norm diffusion. What they demonstrate is how local actors can use the process of norm contestation, whether as a form of agency<sup>28</sup> or discursive meaning,<sup>29</sup> as an emancipatory act against the neoliberal order.

This study seeks to contribute to our understanding of the contestation of norms in several ways. In line with Acharya, and to some extent the work of Weiner,<sup>30</sup> this work argues that in the case of Kazakhstan and the OSCE norm regression occurs because of the reconstitution and reinterpretation of norms at the local level. However, this work departs from the ‘localisation’ literature on four fronts. Firstly, the extent of disagreement over norms in the Kazakhstani case is more fundamental than simply making ‘the outside norm congruent to a pre-existing local normative order’.<sup>31</sup> The disjuncture which occurs in the Kazakhstani case is not simply a re-interpretation of diffused norms regarding elections and democracy on the basis of pre-existing set of local norms, but instead diffused norms are instrumentalised by local elites through discursive practice as a means of constituting a domestic normative framework (*the Kazakh path to democracy*) which aids the consolidation of authoritarianism. Local elites possess agency to re-interpret such norms for their own instrumental purposes, but it is not as if OSCE norms of elections and democracy are being diffused into a normative vacuum. As we will see below, the Kazakh government has had limited agency to shape the OSCE normative framework at the global level (the premise of the OSCE’s ‘human dimension’ was set by antecedent organisations long before Kazakhstan was an independent sovereign state), but it does have agency to re-interpret the diffused norms in the context of domestic political authority, but in doing so it fundamentally challenges the essence of the diffused norm.

Secondly, much of the norm contestation literature centres on higher-level politics – on how norms are reconstituted and re-interpreted at the level of regional politics<sup>32</sup> or within the broader international arena at the European or Global level,<sup>33</sup> or in relation to UN agendas such as R2P,<sup>34</sup> UN peace-building models<sup>35</sup> or the EU model of democracy promotion.<sup>36</sup> While they seek to introduce local voice and agency, there is a lack of emphasis on what I term the ‘micro-politics’ of norm contestation. Differently put, there has been a lack of focus on how the actual process of contestation plays out with those actors who are often involved in implementing diffused norms. For the diffusion of norms concerning democracy and elections, this would involve seeking to understand the meaning and re-interpretation of norms by actors in the electoral process and how they understand these norms in the context of the localised normative framework.

Thirdly, a focus on the micro-politics of norm contestation, as this study argues, reveals how norm contestation can take place at a much later stage of the norm diffusion cycle when the reconstituted local variant of a norm encounters the original version in the practice of local political actors. This is in contradistinction to much of the literature which focuses on how norm contestation occurs at an earlier stage in higher-level debates regarding the setting up of regional normative orders such as in the case of Asian regionalism.<sup>37</sup> In other words, a focus on micro-politics necessitates explaining how norm contestation works in practice at the local level.

The final front on which this study departs from existing literature is to challenge the way norm contestation is assumed as a positive process which emancipates the Global South from the global liberal order. This literature is perceived to ‘depict contestation as a means to

achieve better dialogue and a more legitimate global order'.<sup>38</sup> Nevertheless, not all contestation is imbued with emancipatory zeal. Norm contestation does not always lead to a genuine voice for local actors or to their emancipation from dominant global liberal norms. While Hobson and Kurki have been right to critique the failure of the democracy promotion community to develop a more sophisticated understanding of the multiple conceptualisations of democracy, and the need to take account of localised conceptions of democracy,<sup>39</sup> how liberal democracy can be contested by norm recipient states is equally problematic. The contestation of liberal norms can be adopted by authoritarian regimes to legitimate their rule by using discourse and practice to strengthen their political position. By focusing on both the micro-politics of norm contestation, and not observing the process as one of natural emancipation, we can understand better why some norms fall from the international order.<sup>40</sup>

### **Framework for analysing the contestation of norms**

This article puts forward a four-stage framework for understanding the micro-politics of norm contestation in the case of the OSCE and Kazakhstan. While the framework could be used in other cases, it is set up to the peculiarities of the OSCE and Kazakhstani case. Firstly, a norm is *diffused* by an external agent. However, in many cases of norm construction (and contestation), as the 'constitutive localisation' literature demonstrates,<sup>41</sup> the norm taker can play some role in the construction of norms at higher-level dialogues. In the case of the OSCE and Kazakhstan the country has had limited agency to contribute to norm construction especially in relation to the human dimension of the OSCE agenda.<sup>42</sup> Secondly, the recipient country will initially accept the norm and enshrine it in legislation. The third stage concerns the extent to which the norm is then either *re-constituted* through a public discourse which views the norm as incommensurable with local conditions or through political practice altering the norm to suit local behaviour. This reflects contestation as a form of 'constitutive



localisation’<sup>43</sup> and discursive practice.<sup>44</sup> In the final stage this creates a disconnect, in other words, the *moment of contestation*, between the theory of the norm (the initial promotion of the norm in stage one and the acceptance of the norm in stage two) and the practice of the norm (channelled through the discourse or practice of a perceived cultural specificity for the application of the norm).

As a consequence of the four-stage process, the external agent perceives the practice of the norm as a failure of compliance while recipient authorities feel frustrated by the criticism, as in their view they have met the legal terms of the norm but practiced in a specific way related to the cultural conditions on the ground. This leads to disagreement with regards to whether only meeting the specific form of a norm constitutes the spirit of the norm in practice. Differently put, a state such as Kazakhstan might claim to be ‘democratic’ on the grounds they possess a constitution with a division of powers and a commitment to procedural electoral democracy, and do so with a locally inflected interpretation of democracy (the Kazakh Way), but in practice the substance of democracy – the fairness of open competition free from the arbitrary influence of the state and regime is absent. In practice, the contestation of norms in this way leads not to a form of liberation from the Global North, but rather as we can observe below it helps consolidate an authoritarian regime.

*Table 1. to go here*

The remainder of this article will utilise this framework (table 1.) to study the micro politics of norm contestation in relation to two norms diffused by OSCE/ODHIR: the principles of election monitoring and free and fair voting procedures.

## **The Micro-politics of Norm Contestation: the OSCE and Kazakhstan**

### *Stages 1 and 2 Diffusion and acceptance of the norm of election monitoring*

The OSCE consists of 56 members from across Europe, the former Soviet Union and North America. OSCE participating states are committed a series of principles associated with democratic governance related to elections and democracy set out in paragraphs 6-8 of the 1990 Copenhagen Document. Specifically, the document commits participating states to the notion that the presence of international election observers will enhance the integrity of election processes and that they should invite observers from any OSCE participating states and other appropriate organisations to observe elections.<sup>45</sup>

As signatories to the Copenhagen Document, the government of Kazakhstan is committed to external observation of their electoral process. As one member of Kazakhstan's Central Election Committee (CEC) noted, Kazakhstan is one of the few countries which commits to international monitoring by law,<sup>46</sup> as it is enshrined in Article 20 of the 1995 Law on Elections.<sup>47</sup> The Kazakh government has always permitted the presence of OSCE/ODHIR election observers during the run-up to and over election periods. Since 1994 the OSCE/ODHIR has observed 7 parliamentary elections (1994, 1995, 1999, 2004, 2007, 2012 and 2016) and 4 presidential elections (1999, 2005, 2011 and 2015) in Kazakhstan. None have been considered to have met the standards and principles set out in the Copenhagen Document by OSCE/ODHIR Election Observation Missions (EOMs).<sup>48</sup>

### *Stage 3: reconstitution of election monitoring via discourse*

Despite accepting the principal of election observation, a discourse has emerged in Kazakhstan which reconstitutes the commitment to external election monitoring. The discourse is in two parts. The first critiques the extent to which OSCE/ODHIR election observation norms amount to an imposition of Western norms on an alien political culture. For instance, after the OSCE/ODHIR critiqued the 2012 parliamentary election, Nazarbayev commented that ‘the varying mentalities, histories and traditions of different peoples are not being taken into consideration...Western culture, which is propagandized by the United States, cannot simply be transplanted’.<sup>49</sup> The conditions of democratisation in Kazakhstan are believed to be qualitatively different from the Western experience which emerged as a natural part of the development of civil society.<sup>50</sup> This is framed within public discourse as Kazakhstan possessing its own unique *Kazakh path to democracy*.<sup>51</sup>

This perceived incommensurability between the particularities of the local context with OSCE/ODHIR norms is then transposed into the second part of the discourse which centres on the selectivity of election observers in terms of the application of norms in specific country cases. For instance, Nazarbayev has often expressed dissatisfaction with the fact that the OSCE is only interested in the human dimension of the OSCE’s activities (i.e. protecting human rights, elections etc.) rather than issues of material security such as fighting terrorism and the drug trade.<sup>52</sup> This feeds down to a discourse which claims the OSCE/ODHIR practices double standards and is selective in how election observers apply its perception of whether the country meets certain standards. There is a tendency to understand the OSCE as being too flexible in cases where other countries have similar electoral practices to Kazakhstan. For example, Belarus is evoked as a country in which OSCE/ODHIR final election reports were less critical than those of Kazakhstan’s, despite both countries suffering similar problems such as electoral fraud, executive interference and an inequitable media

environment for opposition candidates.<sup>53</sup> This is then characterised as a form of double standards on the part of the OSCE/ODHIR EOMs.<sup>54</sup> Ex-Foreign Minister Marat Tazhin argued that ‘the OSCE should avoid double standards and adjust its structure; only to ensure uniformity in the interpretation of international standards will it achieve confidence... It is important to get rid of accusations regarding the organization of its selectivity and double standards’.<sup>55</sup> A further example is how one election official noted how ‘Poland, the country which hosts the headquarters of the OSCE, does not even allow international election observers into polling stations’, but in Kazakhstan they were expected to.<sup>56</sup>

#### *Stage 4: the moment of contestation*

The consequence of this perceived incommensurability and double standards is that OSCE/ODHIR election observation is challenged, the expertise of OSCE/ODHIR observers is questioned and EOMs undermined. It creates the *moment of contestation*. For example, one local election official stressed that observers, ‘could not distinguish Pakistan from Kazakhstan...have little knowledge of the country...and behave disrespectfully’.<sup>57</sup> The issue of discourteous behaviour was also raised by a member of Kazakhstan’s Central Election Commission (CEC) who noted that at specific polling precincts election observers had not mentioned any irregularities to the chairman of the polling stations and only listed problems with the voting process after the fact.<sup>58</sup> The validity of recommendations made by EOMs is also brought into question as they are accused of only being ‘interested in scandal or provocations’.<sup>59</sup> Furthermore, it is considered EOMs should be ‘more benevolent and have a more humanistic attitude’ to Kazakhstan’s electoral process.<sup>60</sup>

This questioning of the election observation process serves to contest the principle of election observation so that ultimately in the eyes of participants, ‘observers have lost their

necessity... and are not needed anymore'.<sup>61</sup> Indeed, the president has even gone as far to suggest that Kazakhstan could refuse OSCE/ODHIR EOMs in future.<sup>62</sup> The principle of international election observation of Kazakhstan's electoral process has moved from acceptance to being refracted through a discourse which situates the norm in dissonance with cultural conditions and then to outright contestation. This is a level of disagreement beyond the seeking to make norms congruent with local conditions. The discourse of the '*Kazakh Path to Democracy*' in fact marks a fundamental challenge to the OSCE/ODHIR normative framework pertaining to elections.

*Stages 1 and 2: Diffusion and acceptance of the norm of Free and Fair Voting Procedures: election commissions*

The Copenhagen Document also commits signatories to holding 'free elections that will be held at reasonable intervals by secret ballot or by equivalent free voting procedure, under conditions which ensure in practice the free expression of the opinion of the electors in the choice of their representatives'.<sup>63</sup> The commitment to conditions which ensure a free and fair voting process is contested via the localised practice of a systematic institutional bias in favour of Nazarbayev and his political party *Nur Otan* (Light of Fatherland). This is achieved, principally, by the staffing of election commissions with loyal members of *Nur Otan*. The product of this political culture is systematic electoral fraud and the consolidation of the Nazarbayev regime.

The term 'under conditions' implies the necessity of an administrative set up which ensures free elections and free expression can take place. The administration of elections in Kazakhstan are organised by election commissions which exist at four levels: National (CEC), 16 Territorial (Oblast Level), 208 District (Raion level) and 9840 Precinct (polling

district level). Election commissions are responsible for the organisation of elections, voter lists and vote counting at each level. The establishment of election commissions are understood as meeting a central requirement of the OSCE<sup>64</sup> and are considered vital by both Kazakhstani politicians and the OSCE to certifying the electoral process is fair and transparent.<sup>65</sup> Furthermore, guaranteeing a balanced composition on election commissions in which ‘members of opposition parties are represented is an important way of ensuring the counting of votes is fair as it should be’.<sup>66</sup>

### *Stage 3: reconstitution of the norm of free and fair voting*

The norm of free and fair voting, through balanced election commissions, has undergone significant ‘constitutive localisation’. This is a process whereby rules pertaining to the election of commissions are changed in response to requests from the OSCE, but then further adapted to meet perceived local conditions which are underpinned by loyalty and patronage. For instance, prior to 1999, regional, presidentially-appointed, *Akims* (governors) were responsible for appointing the commissions. Loyal patrons, reliant on local executives for their livelihood, such as teachers or doctors, were usually selected on the basis that they represented a reliable source of patronage. However, in response to the criticisms from the OSCE regarding the impartiality of election commissions the rules were changed in 1999 so political parties would be guaranteed at least one seat on all commissions through the process of drawing lots. The rules were altered again in 2002 so all territorial, district and precinct election commissions were elected by the corresponding *Maslikhats* (local councils) based on proposals from political parties.<sup>67</sup> Despite outwardly seeming to grant political parties greater control over the electoral process, election commissions remained staffed with members from pro-presidential parties, most notably *Nur Otan*. The OSCE/ODHIR final reports for the 2004,<sup>68</sup> 2007,<sup>69</sup> 2012,<sup>70</sup> and 2016<sup>71</sup> parliamentary elections all note serious concerns

regarding the independence and plurality of election commissions. *Nur Otan* dominates all levels of election commissions,<sup>72</sup> out of 10000 election commission members; the opposition Nationwide Social Democratic Party (OSDP) party put their membership at an estimated 5%.<sup>73</sup>

The imbalance of the composition of election commissions, despite an explicit norm guaranteeing all parties the right to appoint at least one member onto every commission with the right of a deliberative vote,<sup>74</sup> is largely a consequence of the norm being reconstituted through the practice of the executive being able to control and regulate election commissions.<sup>75</sup> Principally, executive control is maintained via practice rooted in loyalty and patronage which acts as an embedded institutional bias within the electoral system favouring the president and *Nur Otan*. This results in a collusion between local executives and election commissions. For example, most precinct level election commissions are in local authority buildings, typically schools.<sup>76</sup> As a rule, the heads of schools or institutes are appointed to the position of chairman of election commissions by the local *Akimat* (local governor's office) and ratified via the corresponding *Maslikhat*.<sup>77</sup> Heads of schools are usually then charged with appointing teachers who work in their schools to the election commission, and according to one account 'are told which party they represent'.<sup>78</sup> Public sector workers, such as teachers, owe their position to the head of the school, who in turn owe their position to the local *Akim*. The local *Akim* owes their position to the district *Akim* above them and so on. Each agent in this configuration undertake activities based on loyalty, and therefore, in relation to election commissions, 'will strictly follow the instructions which are given from above. And the instructions are to promote the interests of *Nur Otan* and those of associated parties.'<sup>79</sup>

*Maslikhats* (which ratify and vote on the composition of election commissions suggested by political parties), the local *Akimat* and other public associations are also often filled with those who work for state institutions. Therefore, ‘to gain a seat in the *Maslikhat*, people need to ensure their employees vote for *Nur Otan*; otherwise they will be denied a place in the *Maslikhat*.’<sup>80</sup> The significance of this is that positions (and to some extent resources – both political and economic – attached to these positions) are dependent upon loyalty to the patron. It is the patron who provides the client with their position and client loyalty is demonstrated by following instructions and failure to comply with instructions from above can lead to the loss of a position and resources. As one opposition politician put it:

‘polling stations are usually located in state schools and the head of the school is subordinated to the local *Akim*. The chairman (of the election commission) is the head of the school and the members of the commission are teachers. If a teacher starts telling the truth about the election and the voting process they will lose their job.’<sup>81</sup>

What we see above is that the norm of a commitment to a free and fair voting is reconstituted in the practice of the election commission selection whereby political behaviour driven by patronage and loyalty undermines the principle of fairly-balanced election commissions. This creates a systematic institutional bias towards the president’s party *Nur Otan* and affiliate pro-regime political parties.<sup>82</sup>

#### *Stage 4: Moment of Contestation*

Consequently, this institutional bias produces varying forms of electoral engineering which manufactures the vote in favour of *Nur Otan* or the president and which represents *the moment of contestation* for Kazakhstan’s commitment to free and fair voting practices. One



such example is the so-called *Karusel* (carousel), a form of election engineering well-practiced across the former Soviet space in which groups of people are bused around different polling stations and vote several times using the same absentee ballot.<sup>83</sup> In the case of Kazakhstan, one opposition member noted how, ‘heads of governmental institutions order their employees to vote for *Nur Otan*. It is an established practice that teachers will vote up to 10 times during the election...when these illegal voters arrive at the polling station they give a password and receive the ballot. It’s organised like a *Karusel*’. <sup>84</sup> At the precinct level, with polling stations near, the bussing around of groups of state employees in this way to vote multiple times is easy to organise. A further challenge to a free and fair voting process is the practice of ballot stuffing which is when an individual is left freely to place multiple ballots into a ballot box. Clearly, such a practice could be stopped by the election commission given that only one ballot paper should be distributed to individuals who also must present their identification card. Reports and even video evidence of ballot stuffing has become common place during election-day. The most recent 2016 parliamentary elections saw various reports surface in Almaty and other cities where individuals were recorded stuffing ballot boxes.<sup>85</sup>

The practice of falsifying elections is systematic and its roots lay in the executive control of election commissions. In the aftermath of the 2011 presidential elections, documents were leaked which seem to show how the administrative command system worked. The documents detailed how the Department of Health were ordered to arrange for a 100 percent turnout for employees and how at the Kazakh National Technical University in Almaty students were to be organised from 7 in the morning for orderly voting.<sup>86</sup> It was also noted how teachers would be punished if they did not guarantee 100 percent turnout.<sup>87</sup> Election commission oversight of the voting counting process is also understood to be poorly conducted. OSCE/ODHIR reports are littered with examples from election observers with regards to

instances where ballot papers were placed in the incorrect pile (typically they were added to the pile for the president or *Nur Otan*) or other types of violations of vote counting procedures such as obscuring the counting process from observers, the presence of *Nur Otan* representatives and other unauthorised personnel such as the police and local authority officials at the vote count and the failure to cross check voting tabulations.<sup>88</sup> The former leader of the *Auyl* (village) party, Gani Kaliev also alluded to these issues claiming the ‘process was hidden’ and that his party’s representatives ‘were not allowed to observe the vote counting process’.<sup>89</sup>

The dominance of pro-regime representatives at all levels of elections commissions ensures the norm of free and fair voting is severely contested in practice. While there is acceptance of the norm, its translation in practice is undone by executive control. The *Karusel*, ballot stuffing, absentee voting and pressure on state employees to produce 100 percent turnout for their institutions leads to incredible official voter turnout in some cases close to 100 percent. Again, this is not simply the congruence of international norms to local practice, but rather the loyalty and patronage which underpins the electoral process in Kazakhstan represents an indisputable challenge to OSCE/ODHIR norms pertaining to elections and democracy. The overarching implication of the undermining of the principle of free and fair voting in Kazakhstan is not the contestation of an international norm seemingly celebrating the Global South breaking from the shackles of a Western-imposed normative order, but instead the steady consolidation of an authoritarian regime. The manipulation of election commissions by local executives undermines the practice of multi-party composition on such commissions. Dominated by pro-presidential members, election commissions at every level of the electoral process from individual polling stations up to the CEC, carry out forms of political behaviour which significantly skew the vote in favour of the president or *Nur Otan*. Over the last ten

years at least this has led to the further centralisation of power in Nazarbayev as an individual and his overall grip of the political system.<sup>90</sup> The discourse and practice of these locally constituted norms pertaining to elections and democracy have only further embedded the power of Nazarbayev through thumping election victories which did not meet international standards and were subject to electoral engineering.

### **Concluding discussion**

A focus on micro-politics in the case of Kazakhstan and the OSCE brings much needed attention to how local actors, not just governments, receive and re-constitute norms diffused by external agents.<sup>91</sup> It also revealed how contestation can occur at a much later stage in the norm diffusion cycle, with a much more fundamental level of disagreement beyond a lack of congruence, and that contestation at the micro-level is not necessarily a form of emancipation from the Global North, but instead can aid the consolidation of an authoritarian regime. This study has detailed how contestation occurs because agents within the electoral process undermine formal acceptance of a norm in a strategic effort to ensure their interests are met. Local actors interpret norms to ensure they are congruent with an existing discourse or practice to safeguard their political position, but this interpretation fundamentally challenges and undermines the norm being diffused. This process consists of local actors firstly parroting a discourse emanating from above regarding the *Kazakh path of democracy* which is viewed as incommensurable with OSCE/ODHIR norms and secondly, guaranteeing their position by demonstrating loyalty to the president by ensuring election commissions are staffed with loyal lieutenants whereby electoral fraud takes place unsanctioned.

The extent to which, however, both the discourse of the *Kazakh path of democracy*, and the practice of election management, represent an alternative normative framework and a

demonstration of agency remains unclear. Focusing on the latter stage of the norm contestation cycle, however, can help clarify. The Kazakhstani government's agency in relation to setting the normative agenda for democracy and elections within the OSCE is stymied by not just being a less well-established actor, but also by the fact that when the Copenhagen Document was written the country was not officially an independent state. It had to accept the terms of the document with little agency to influence those terms. Kazakhstani political actors can mostly only influence OSCE/ODHIR norms to any great effect after their diffusion, acceptance and legislation. Thus, the demonstration of local Kazakhstani agency and norm contestation pertaining to elections and democracy occurs much later in the norm diffusion cycle. While this contestation is instrumentalised by political elites for their own advantage, it also remains an important aspect of their agency within a normative order in which they have had previous little control over.

This focus on the micro-politics and later-stage of the norm diffusion cycle also represents an opportunity to consider the issue of norm regression. OSCE/ODHIR EOMs in Kazakhstan demonstrate the limitations of the post-Cold War liberal normative order. The localisation of norms pertaining to elections and democracy clearly challenges global efforts to the spread of the liberal democratic model. The reasons for norm regression in this instance is not simply rooted in the failure of the OSCE to solicit sanctions for non-compliance of norms.<sup>92</sup> Instead the locally constituted discourse and practice of OSCE diffused norms in Kazakhstan which has aided regime consolidation exists within an emerging normative regional framework put forward by norm entrepreneurs such as Russia and China through the Shanghai Organisation Cooperation (SCO). Within this framework stability and sovereignty are preferred over liberal democracy and human rights<sup>93</sup> and it provides an environment in which contestation at the later stage of the norm diffusion cycle develops a form of internal legitimacy against

liberal democratic norms. Thus, the micro-politics of norm contestation is an integral part of norm regression in this case – allowing local actors to instrumentalise and practice a broader set of emerging regional norms - set against the universal and totalising efforts of liberal democratic norms. Nevertheless, we should be careful of reading this as some form of emancipatory act – what it fundamentally results in, as we see in the case of elections in Kazakhstan, is the consolidation of an authoritarian regime.

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<sup>1</sup> Acharya, “How Norms Spread”,

<sup>2</sup>Kazakhstan’s Polity score has dropped from -2 in 1990 to its current score of -6. In 2003 Kazakhstan’s ‘Nations in Transit’ score for Freedom House was 6.17 for democracy. By 2013 this was 6.57, meaning the country was considered by the organisation as a consolidated authoritarian regime.

<sup>3</sup> Isaacs, “Neopatrimonialism and Beyond!”.

<sup>4</sup> Micro-politics here is used here to denote an analytical focus on those agents who are responsible for the implementation and interpretation of international norms in a local context. So in the case of this article which focuses on norms related to election and democracy micro-politics concerns how election officials and party representatives, among others, interpret the process of norm diffusion.

<sup>5</sup>25 semi-structured interviews were conducted with election officials, party representatives, local election observers and local analysts based in Almaty and Astana. The micro-politics of norm contestation can only be understood by examining the perspective of those involved in the electoral process.

<sup>6</sup> Norms are defined as ‘collective expectations for the proper behaviour of actors with a given identity’, Kazenstein, “Introduction”, 5.

<sup>7</sup> Finnemore and Sikkink, “International Norm Dynamics”, 891-2.

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- 8 Hugill and Dickson, *The Transfer and Transformation of Ideas*, pp. 263-64 cited in Checkel, “Norms, Institutions and National Identities”, 85.
- 9 Checkel, “Norms, Institutions and Nation Identity”; “International Institutions”.
- 10 Hyde, “Catch us if you Can”; Schimmelfennig, “Strategic Calculation”.
- 11 Kelley, *Monitoring Democracy*, 170.
- 12 Finnemore and Sikkink, “International Norm Dynamics”, 891-2; Checkel, “Norms, Institutions and Nation Identity”; “International Institutions”.
- 13 Deitelhoff and Zimmermann, “Things We Lost in the Fire”, 2.
- 14 Wolff and Zimmermann, “Between Banyans”, 513.
- 15 Wiener and Puetter “The Quality of Norms is What Actors Make of it”, 5
- 16 Zimmerman, “Global Norms”, Zwingel “Do Norms Travel?”.
- 17 Acharya, “How Norms Spread”, Acharya, “Norm Subsidiarity”.
- 18 Acharya, “Whose Ideas Matter”, p. 4.
- 19 Acharya, “Whose Ideas Matter”.
- 20 Zimmermann, “Global Norms”.
- 21 Acharya, “Whose Ideas Matter”, p. 5.
- 22 Acharya, “Norm Subsidiarity”, 97.
- 23 Wolff and Zimmermann, “Between Banyans”, 513.
- 24 Newman et al, “Introduction”, 4, Mac Ginty and Richmond, “The Local Turn”, 780; Mac Ginty and Richmond, “Myth or reality”.
- 25 Kurki “Democratic Futures”, 2-4.
- 26 Carothers, “The Backlash”.
- 27 Wiener, “Contested Meanings of Norms”, Wiener and Puetter “The Quality of Norms”,
- 28 Mac Ginty and Richmond, “The Local Turn”; Hobson and Kurki, “Introduction”.
- 29 Acharya, “How Norms Spread”; Wiener, “Theory of Contestation”.
- 30 Wiener, “Contested Meanings of Norms”,
- 31 Acharya, “How Norms Spread”, p.244.
- 32 Acharya, “Norm Subsidiarity”; Acharya, “Whose Ideas Matter”; Rüland, “Constructing Regionalism Domestically”
- 33 Wiener, “Theory of Contestation”.

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<sup>34</sup> Deitelhoff and Zimmermann, “Things We Lost in the Fire”, PP. 6-13.

<sup>35</sup> Mac Ginty and Richmond, “The Local Turn”.

<sup>36</sup> Kurki “Democratic Futures”

<sup>37</sup> Acharya, “How Norms Spread”.

<sup>38</sup> Wolff and Zimmermann, “Between Banyans”, 533.

<sup>39</sup> Hobson and Kurki, “Introduction”, 2.

<sup>40</sup> Panke and Petersohn, “ Why international norms disappear sometimes”.

<sup>41</sup> See Acharya, “How Norms Spread”, “Whose Ideas Matter”; Rüländ, “Constructing Regionalism Domestically”.

<sup>42</sup> Kazakhstan was not an independent state when the antecedents to the OSCE were created, such as the Helsinki accords (1975) and the Paris Charter (1990), where the ‘human dimension’ of the OSCE was initiated and that was not a party to the creation of OSCE norms regarding elections, democracy and human rights. It has sought agency and agenda setting, however, even holding the rotating chairmanship of the organisation in 2010. Albeit the Kazakhstani government sought to focus its chairmanship on the security rather than human dimension.

<sup>43</sup> Acharya, “Whose Ideas Matter”.

<sup>44</sup> Wiener, “Theory of Contestation”.

<sup>45</sup> CSCE, “Copenhagen Document”, 7.

<sup>46</sup> Author’s interview with Marat Aldangorovich Sarsembayev member of the Republic of Kazakhstan Central Election Commission. 11 July 2011, Astana, Kazakhstan.

<sup>47</sup> Constitutional Law of the Republic of Kazakhstan on Elections, 2004.

<sup>48</sup> OSCE/ODHIR, “Republic of Kazakhstan Early Parliamentary Elections”, 1.

<sup>49</sup> Associated Press, “Kazakh president decries foreign influences”..

<sup>50</sup> Balgimbayev, “Kazakhstanskaya model”.

<sup>51</sup> The Kazakh path to democracy is a discourse which is constituted along three lines. Firstly, a commitment to economic growth over and above political reform. Secondly, a commitment to political stability vis-à-vis the complex demographic legacy left by Soviet rule. Finally, a post-Soviet legacy where political culture is still ridden with the belief in the necessity for hierarchy over pluralism and the need for a strong leader.

<sup>52</sup> Korrespondent, “OBSE kritikuje vybory v Kazakhstane”.

<sup>53</sup> Interview with Vladimir Dvoretzky, Nur Otan Party Official representative to the Kazakhstani Government, 9 July 2011, Astana, Kazakhstan.

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54 Khamidov, “President Kazakhstan”; Interview with Mels Yeleusizov, presidential candidate, 12 April 2012, Almaty.

55 Dubnov, “Mezhdu Bryusselem i Khel’sinki”.

56 Interview with Adil Zhunusov, Head of the Almaty City Election Commission, 3 April 2012, Almaty Kazakhstan.

57 Interview with Adil Zhunusov.

58 Interview with Marat Sarsembayev

59 Interview with Artur Katenev, Deputy of the Almaty Maslikhat, 11 April 2012, Almaty, Kazakhstan.

60 Interview with Marat Sarsembayev

61 Interview with Adil Zhunusov,

62 Karavan, “Nazarbayev predupredil”.

63 CSCE, “Copenhagen Document”, 5.

64 Interview with Marat Sarsembayev

65 Author’s interview with Adisha Kalieva, Chief Coordinator of the Almaty City Branch of *Auyl*, 25 April 2007, Almaty; OSCE/ODHIR, “Kazakhstan 2007 Parliamentary Elections”.

66 Author’s interview with Vladimir Dvoretzky.

67 Republic of Kazakhstan Law on Elections, Chapter 2, Article 10.

68 OSCE/ODHIR, “Kazakhstan 2004 Parliamentary Elections”, 6.

69 OSCE/ODHIR, “Kazakhstan 2007 Parliamentary Elections”, 9.

70 OSCE/ODHIR, “Kazakhstan 2012 Parliamentary Elections”, 3.

71 OSCE/ODHIR, “Kazakhstan 2016 Parliamentary Elections”.3.

72 Interview with Andrei Chebotarev, political analyst, 16 September 2011, Almaty, Kazakhstan.

73 Interview with Amirbek Togissov, Chairman OSDP Almaty Branch, 12 July 2011, Almaty, Kazakhstan.

74 Republic of Kazakhstan Law on Elections, Chapter 2, Article 10.

75 Interview with Andrei Chebotarev.

76 According to one opposition official 80% of precinct level electoral commissions are held in schools. Interview with Amirbek Togissov.

77 Interview with Amirbek Togissov.

78 Interview with Amirbek Togissov.

79 Interview with Mels Yeleusizov.



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80 Interview with Amirbek Togissov.

81 interview with Amirzhan Kossanov, former General Secretary of OSDP-Azat.

82 Over the years, the configuration of the smaller pro-regime parties has changed. Typically, they were based around a charismatic figure although once that political leader moved on from the party or retired these smaller parties tended to either merge with one another or sometimes just disappear. Nonetheless, some of the more significant smaller pro-regime parties over the last two decades which have elected members to election commissions include: The Party of Patriots, The Social Democratic Party 'Auyl', *Adilet* (Justice), The Peoples Communist Party of Kazakhstan (KNPK), *Ak Zhol* (Bright Path) and *Rukhaniyat* (Spirituality). In 2013 *Adilet* and *Rukhaniyat* united to create the party *Birlik*, while in 2015 The Party of Patriots merged with The Social Democratic Party 'Auyl' to create the 'Auyl' People's Patriotic Party.

83 Myagkov, Ordeshook and Shakin, *The Forensics of Election Fraud*.

84 Interview with Amirbek Togissov

85 Mauletbai, "Nespeshnyi massovyi vbros byulletenei"; Inform Byuro, "Novyi vbros byulletenei"; Mauletbai, "Zhitel' Atyrau snyal na video vbros byulletenei".

86 Fergana.ru, "Vybory prezidenta Kazakhstan".

87 Fergana.ru, "Vybory prezidenta Kazakhstan".

88 See the various OSCE/ODHIR Election Mission Reports for details of vote counting discrepancies. For the elections in the last 10 years: 2007 pp.25-26; 2011, pp.22-23; 2012, 24-25; 2015, 20-21; and 2016, 21-22.

89 Interview with Gani Kaliev, Leader of Social Democratic Party 'Auyl' 7 July 2011, Astana, Kazakhstan.

90 Isaacs, "Party System Formation".

91 Acharya, "Foreword".

92 Panke and Petersohn, "Why international norms disappear sometimes".

93 Lewis, "Who's socialising whom", 1225.

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